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17 *Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

14 ELIZABETH GARRIDO, individually and on behalf of all those similarly situated,

Plaintiff,  
vs.

FARMERS AUTOMOBILE INSURANCE  
ASSOCIATION, FARMERS INSURANCE  
EXCHANGE, DOES 1 through 10,

## Defendants.

Case No.: 2:21-cv-00440- RFB-BNW

**STIPULATION AND PROPOSED  
ORDER EXTENDING  
DEADLINE FOR PLAINTIFF TO  
FILE AMENDED COMPLAINT**

21 Plaintiff ELIZABETH GARRIDO, by and through their counsel of record, Robert T.  
22 Eglet, Esq., Tracy A. Eglet, Esq., and Danielle C. Miller, Esq. of the law firm EGLET ADAMS  
23 and Matthew L. Sharp, Esq. of the law firm MATTHEW L. SHARP, LTD., and Defendant  
24 FARMERS INSURANCE EXCHANGE (“Farmers”), by and through their counsel of record,  
25 Vanessa Wells and Jordan Teti of HOGAN LOVELLS US LLP, Jordan T. Smith, Esq., and M.  
26 Magali Mercera, Esq., of the law firm PISANELLI BICE PLLC, for good cause shown, hereby  
27 stipulate and agree as follows:

28 1. Plaintiff filed her Complaint in the Eighth Judicial District Court for Clark County,  
Nevada, Case No. A-21-829905-B. Farmers removed this action to this Court on March 17, 2021.

1       2. Farmers filed their Motion to Dismiss on May 14, 2021 [ECF No. 20].  
2       3. Plaintiff filed her Response to Farmers' Motion on June 14, 2021 [ECF No. 24].  
3       4. Farmers filed a Reply in support of the Motion on July 9, 2021 [ECF No. 26].  
4       5. On February 9, 2021, the Honorable Richard F. Boulware, II granted Farmer's  
5 Motion to Dismiss with prejudice, except that the Court granted leave to amend as to the Third,  
6 Fourth, and Fifth Causes of Action to the extent Plaintiff is able to amend consistent with the  
7 Court's decision. The Court designated the transcript of the hearing as the written decision in the  
8 matter. The Court allowed s and Ordered Plaintiff 30 days to file an Amended Complaint (on or  
9 before Friday, March 11, 2022) [ECF No. 30].

10      6. At the hearing, the District Court expressly encouraged the parties to be courteous  
11 with extensions for issues related to the contemplated amended complaint.

12      7. Because the three claims that were dismissed without prejudice must be pled with  
13 particularity, if possible, Plaintiff needs additional time to review Plaintiff's e-mail  
14 correspondence, records, and bank statements going back at least two (2) years, to the beginning  
15 of the COVID-19 pandemic. Given how much time has passed and given the burden of pleading  
16 Plaintiff's claims with particularity, Plaintiff needs additional time to thoroughly review her  
17 records to obtain this information. Plaintiff will also have to request some of this information  
18 from third parties, which may take additional time.

19      8. Thus, the parties hereby stipulate that Plaintiff shall have an additional sixty (60)  
20 days to file an Amended Complaint.

21      9. That Plaintiff's Amended Complaint shall be due on or before May 11, 2022.

22      10. Farmers shall have an additional thirty (30) days to file its response to Plaintiff's  
23 Amended Complaint, extending the time to respond under the Federal Rules of Civil Procedure  
24 from fourteen (14) days after service of the Amended Complaint to forty-four (44) days after  
25 service of the Amended Complaint. Farmers anticipates needing this additional time to respond  
26 to the additional factual information that Plaintiff must include in the amended complaint.

27      11. The parties agree that discovery remains stayed pending Plaintiff filing an  
28 Amended Complaint and resolution of Defendant's anticipated Motion to Dismiss Plaintiff's



1 Amended Complaint.

2       12. In this District, requests to stay discovery may be granted when: (1) the pending  
3 motion is potentially dispositive; (2) the potentially dispositive motion can be decided without  
4 additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the  
5 potentially dispositive motion. *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 602 (D. Nev. 2011).  
6 In doing so, the court must consider whether the pending motion is potentially dispositive of the  
7 entire case, and whether that motion can be decided without additional discovery. *See Federal*  
8 *Housing Finance Agency v. GR Investments LLC*, Case No. 2:17-cv-03005-JAD-EJY, 2020 WL  
9 2798011 at \*3 (D. Nev. May 29, 2020) (granting motion to stay discovery pending resolution of  
10 potentially dispositive motion for summary judgment); *see also Mintun v. Experian Information*  
11 *Solutions, Inc.*, 2:19-cv-00033-JAD-NJK, 2019 WL 2130134 at \*\*1-2 (D. Nev. May 15, 2019)  
12 (granting motion to stay discovery pending resolution of potentially dispositive motion to  
13 dismiss).

14       13. The Parties agree that Farmers’ Motion to Dismiss raises potentially dispositive  
15 legal and jurisdictional defenses to Plaintiff’s claims concerning Farmers’ auto insurance rates  
16 during the COVID pandemic.

17       14. The Court previously stayed discovery pending Farmers’ initial motion to dismiss.  
18 [ECF No. 12.] The same considerations are present with the expected motion to dismiss the  
19 amended complaint.

20       15. Pending resolution of Farmers’ Motion to Dismiss, the Parties agree and stipulate  
21 to a stay of discovery including, but not limited to, any discovery obligations set forth in Fed. R.  
22 Civ. P. 26 and LR 26-1.

23       16. If the Court denies Farmers’ Motion to Dismiss, in whole or in part, the Parties  
24 agree to submit a Discovery Plan and Scheduling Order within thirty (30) days after entry of the  
25 Court’s Order on the Motion.

26       17. The parties respectfully suggest that good cause exists to enter the stipulated stay  
27 of discovery to preserve judicial and party resources and based on application of the factors set  
28 forth in paragraph 11, above.

1       18. The Parties represent that this stipulation is sought in good faith, is not interposed  
2 for delay, and is not filed for an improper purpose.

3 DATED this 10th day of March, 2022.

4 **EGLET ADAMS**

5       */s/ Robert T. Eglet, Esq.*  
6 ROBERT T. EGLET, ESQ.  
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20 *Attorneys for Plaintiff*

21       DATED this 10th day of March, 2022.

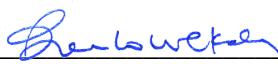
22 **PISANELLI BICE PLLC**

23       */s/ Jordan T. Smith, Esq.*  
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33 VANESSA O WELLS, ESQ.  
34 (admitted pro hac vice)  
35 HOGAN LOVELLS US LLP  
36 4085 Campbell St., Ste 100  
37 Menlo Park, CA 94025  
38 *Attorneys for Defendants*

39       **ORDER**

40       Based upon the parties' stipulation and GOOD CAUSE APPEARING THEREFOR, IT  
41 IS SO ORDERED:

42       **IT IS SO ORDERED.**

43         
44       UNITED STATES MAGISTRATE JUDGE

45       DATED: March 11, 2022

46       **EGLET ADAMS**